

OCTOBER 16, 2003

SPECIAL JOINT COMMISSION MEETING**Joint City-County Commission Public Hearing
On Proposed Cycle 2004-1 Amendments To The
2010 Tallahassee-Leon County Comprehensive Plan**

The City Commission met in special joint session with the Board of Leon County Commissioners (County Commission) on October 16, 2003, in the City Hall Commission Chamber with City Commissioners Katz, Lightsey, Mustian and County Commissioners Sauls, Thael, Rackleff and Grippa present. Also present were Assistant City Attorney Hurst and County Attorney Thiele.

Mayor Pro Tem Katz called the meeting to order at 6:09 p.m. and announced the purpose of the meeting was to take public comments on the proposed Cycle 2004-1 Amendments to the Comprehensive Plan. He announced the text amendments would be taken up first.

Comprehensive & Environmental Planning Manager Jean Gregory noted this was the first opportunity for public comment on these amendments and stated that the County Commission would consider these amendments at its workshop on October 28, 2003 while the City Commission was scheduled to consider them at a workshop on November 13, 2003. She reviewed the agenda materials and announced that another joint public hearing was scheduled for December 11, 2003 for transmittal of the amendments to the Florida Department of Community Affairs (FDCA). Ms. Gregory announced the process for citizen appearances and requested that speakers attempt to limit their comments to no more than three minutes.

Mayor Pro Tem Katz announced the text amendments would be reviewed first.

Text Amendments

Planner Kristen Andersen announced the speakers on the respective amendments, and the following persons appeared before the Joint Commission:

Amendment 2004-1-T-012 (Conservation Subdivisions within the Urban Fringe):

Mr. Robert Scanlon, Chairman of the Leon County Water Resources Commission (LCWRC), appeared before the Joint Commission in support of Amendment 2004-1-T-012 and recommended approval of this amendment with provisos. He urged that the Policy 2.2.2 language be modified to ensure that these conservation subdivisions were not allowed to expand into Rural, and that Policy 2.2.4 language should be limited to the Urban Fringe. Mr. Scanlon suggested that some serious thought should be given to what percentage of land, and which land use category, was appropriate to set aside for conservation purposes. Mr. Scanlon also expressed concern with the references to agriculture or silvaculture in Policy 2.2.7, as the people buying the homes would not own the land under easement.

Mr. Neil Fleckenstein, 13093 Henry Beadel Drive, representing the Tall Timbers Research Station and the Red Hills Conservation Program, appeared before the Joint Commission in support of Amendment 2004-1-T-012. He stressed their support for conservation subdivisions as an alternative to conventional subdivision development, with the caveat of having appropriate guidelines as discussed by Mr. Scanlon. Mr. Fleckenstein discussed their primary concern as being with the location of the conservation subdivisions, which they believed should be in the Urban Fringe future land use category, and stated that they were concerned with the potential for expansion into the Rural areas, which they believed would be very inconsistent with Comprehensive Planning goals of curbing urban sprawl and encouraging the Southern Strategy for Leon County. He stated that they were also concerned with

establishing minimum levels of protected open space within the conservation subdivisions, noting that this was a good opportunity to conserve a large percentage of the open space within these developments at a high enough level to allow for the protection of natural habitat, to contain urban sprawl and be consistent with adjacent land uses.

Mr. Fleckenstein opined that such conservation subdivisions were was considerably different from the way development in the County had occurred in the past. He advised that Ms. Laurie Fowler, who had considerable experience with them, would be giving a presentation on this issue in the City Hall Commission Chamber at 6:00 p.m. on November 6, 2003.

County Commissioner Rackleff inquired as to why Policy 2.2.2 was not restricted to Urban Fringe only. Ms. Gregory explained that the original intent of this amendment was to establish a framework for conservation subdivisions to initially start in the Urban Fringe and then be expanded into other zoning districts and categories. She stated that the Local Planning Agency (LPA) recommendation had been to change the amendment pursuant to LCWRC comments and limit conservation subdivisions to Urban Fringe, and she stated that the only area in Rural that would allow a conservation subdivision under this modified proposal would be those areas in Rural Residential within the Bradfordville Sector Plan where conservation subdivision was already permitted.

Amendment 2004-1-T-013 (Identify and Address Special Needs of Drainage Basin Sub-areas through Sector Planning):

Ms. Andersen advised that this amendment called for the commencement of a Joint City-County Sub-Area Environmental Evaluation process, which had been adopted by the County Commission during the last amendment cycle as a County-only policy.

Mr. Robert Scanlon, representing LCWRC, re-appeared before the Joint Commission and discussed the support of LCWRC for Amendment 2004-1-T-013. He stated that the LCWRC recommended that the City adopt this as well for the sake of consistency and to provide a mechanism for addressing TMDLs, thereby also reaffirming policies that were already in the Comprehensive Plan.

County Commissioner Rackleff stressed the importance of the TMDL requirements and expressed interest in the idea that this would in essence serve as a coordinating group for meeting the TMDL requirements. Mr. Scanlon opined that this would provide the framework for meeting the TMDL requirements.

Amendment 2004-1-T-014 (Future ROW Protection and Access Management Provisions for Identified Roadways):

MPO Planner Greg Burke described this amendment as reflecting work of the Tallahassee-Leon County Corridor Management Program, developed by the Center for Urban Transportation Research (CUTR), University of South Florida in Tampa, Florida, with funding from the Blueprint Intergovernmental Agency, being developed in coordination with the Tallahassee-Leon County Metropolitan Planning Organization (MPO). He introduced the following speaker:

Ms. Kristine Williams, representing CUTR, appeared before the Commission and reviewed this amendment, indicating it had been developed for the purpose of preserving right-of-way for transportation corridors as development occurred, and stated that there were a set of amendments and a map involving proposed right-of-way widths that were consistent with the cost feasible plan and other proposed improvements in the current adopted Transportation Plan. She stated that basically these corridor preservation policies established criteria to preserve right of way as development occurred so as to avoid development encroachment while providing a variety of flexible methods for protecting property rights and avoiding adverse impacts and hardships on property owners through such means as density transfers, interim use allowances and other methods. She also discussed other issues

associated with this project including the dedication of land, access management measures, updates to design and spacing standards, interconnections and cross access policies, avoiding the creation of small lots on arterials that would create access problems, service roads and other flexibility options in the development review process, measures supporting the development of the supporting street system as development occurred.

County Commissioner Rackleff discussed his concern this was another way of reinforcing the current practice of having multi lane high-speed barrier roads that prevented other modes of transportation from becoming viable. He stated his intent to propose some additional language that would take into account design principles for the roadways so that they were truly multi-modal.

City Commissioner Lightsey announced that Mayor Marks was out of town and City Commissioner Gillum had gone home sick that afternoon.

County Commissioner Grippa announced that County Commissioner Winchester was not present due to a family emergency.

County Commissioner Grippa determined from Ms. Williams that CUTR was located out of Tampa, Florida, and he applauded her presentation.

Commissioner Mustian requested clarification of the section requiring a donation of right-of-way to the government. Ms. Williams discussed a provision providing for dedication of property proportionate to the impact of the development on the transportation system. She stated that a proposed methodology had been proposed for determining what that amount of right-of-way would be based on their impacts on the system as well as an exemption for small developments in the development code.

Commissioner Mustian determined from Ms. Williams that a development proposal would be reviewed for consistency with the proposed corridor, and Public Works would then make some determination of alignment and at that point there would be an understanding of how much right of way would be needed. She stated that the development would then be evaluated to determine the impact on the system and whether it would be required to donate right of way and how much, most likely not the full amount of right of way that would be needed. Ms. Williams noted that additional right of way for future improvement would have to be paid for at the time of road improvement.

City Commissioner Katz questioned if the issuance of a development order would be used as a method to force the landowner to give up the right of way, and Ms. Williams explained that it would be used to check against the right of way needs for future road improvement.

County Commissioner Rackleff referenced the 176 foot of right of way that would be required to four lane South Adams Street, which would basically destroy most of businesses along the east side of South Adams Street and was contrary to the direction on the South Monroe Street / South Adams Street Corridor Study, which envisioned only an enhance two-lane at South Adams Street. He questioned if the three references to Welaunee prohibited that development from doing anything other than a 200-foot right of way for Welaunee Boulevard. Ms. Williams replied in the negative, noting that these were generalized widths that could accommodate different types of road designs but the ultimate design of the corridor would dictate what was actually built.

County Commissioner Rackleff noted that the planner of the overall design concept for Welaunee intended to have a four-lane road with on-street parking, wide sidewalks, a median, and buildings built up to the sidewalks as were done in towns. He confirmed with Ms. Williams that this would not be prohibited by the adoption of this amendment.

Ms. Williams advised that these were generalized numbers, which could be further refined while the development process moved forward.

County Commissioner Grippa called for the public hearing to proceed.

County Commission Thael asked for Ms. Williams' name/phone number/e-mail address so that he could follow-up on this discussion.

Amendment 2004-1-T-015 (Off-Site Mitigation for Significant Grades):

Mr. Robert Scanlon, representing the LCWRC, re-appeared before the Joint Commission and discussed the LCWRC's recommendation of denial of this amendment. He discussed defining a significant slope as a matter that should be addressed with an inter-basin transfer and allowing financial remuneration not to mitigate.

Amendment 2004-1-T-016 (Definitions for Private, Commercial and Residential Recreational Facilities):

Ms. Andersen advised this amendment was part of three amendments that were linked together.

Mr. John D. Dew, 6527 Chevy Way, appeared before the Commission and stated that there appeared to be a problem with this amendment and the staff analysis appeared to be incorrect. He stated that, as a member of the Council of Neighborhood Association (CONA) Board of Directors, they had discussed this and depended on the Joint Commission to find a resolution together.

County Commissioner Thael questioned if a racetrack or a baseball field could be developed on Recreation Open Space, as it was currently understood. County Attorney Thiele opined in the affirmative to County Commissioner Thael, who indicated his desire for the amendment to be restrictive.

City Commissioner Lightsey stated her understanding that the property on Baum Road, since it was bought with State money, could only have passive recreation. She **requested that the staff bring back some language about land uses being compatible.**

Ms. Becky Subrahmanyam, 1257 Cornerstone Lane, representing Ms. Carol Kio-Green, who was out of town. She stated that she was involved in the race track issue and the interpretation of active recreation in the County and in the administrative hearing that had been held regarding the racetrack, was that active recreation could go anywhere in the County except in the heavy industrial or on a local street. Ms. Subrahmanyam stated that something as big as a stadium or a race track could go next door next to a house inside a Residential Preservation area or inside any other zoning area in the County because active recreation was currently interpreted to encompass all commercial recreation as well. She stated that the precedent-setting administrative hearing ruled that the racetrack was active recreation and not commercial, resulting in some discussion about clarifying the issue of what constituted active recreation as a means of protecting the neighborhoods for the future.

Referencing page I-24 of Volume I of the Comprehensive Plan, under the Institutional Section (*on file in the Office of the City Treasurer-Clerk*), Ms. Subrahmanyam referred to the language under Recreation Open Space.

Map Amendments

Amendment 2004-1-M-006 (George Bell, Jr. proposed change from Rural to Urban Fringe fronting the south side of Tram Road, east of the Southeast Farm Wastewater Reuse Facility and west of Hidden Lakes Drive):

Mr. Robert Scanlon, representing LCWRC, reappeared before the Joint Commission and discussed the LCWRC's support for Amendment 2004-1-M-006 based on the land being so clear cut and ploughed into such a wasteland that some development would probably be beneficial to the land. He asked that set backs be required as protection for a water body that was not shown on the map that was presented for display.

Amendment 2004-1-M-008 (M. B. Adelson, IV proposed change from Residential Preservation to Mixed Use A north of Park Avenue between Ferndale Drive and Belmont Road):

Mr. Jerry Edwards, 1603 Valley Road, Inglewood Neighborhood Association President, appeared before the Joint Commission and, indicating he spoke for the majority of the 280 residences in that neighborhood, discussed their opposition to any change to the current Residential Preservation status of their neighborhood. He stated that their neighborhood flooding problems would be further enhanced by the proposed changes, and discussed the traffic encroachments into their neighborhood, the noise impacts from the Blair Stone Extension and the building of a strip mall between the neighborhood and the Governor's Square Hall, and the widening of Park Avenue, the loss of many surrounding trees, the lack of sidewalks on their neighborhood streets. Mr. Edwards advised the City Commission had previously promised to help preserve their neighborhood's Residential Preservation status, and asked for denial of this proposed amendment.

Mr. David Luke, 1603 Valley Road, appeared before the Joint Commission and discussed his opposition to this amendment proposal and described his neighborhood as a quiet residential area with private residences and little neighborhood traffic. He objected to 24-hour trash collections and described their flooding problem, which would be worsened by the proposed development. Mr. Luke also encouraged the approval of a neighborhood boundary for the neighborhood.

Mr. Joe Carroll, 115 Ferndale Drive, appeared before the Joint Commission and discussed his opposition to this amendment proposal. He stated his objection to any changes to the current Residential Preservation status of his neighborhood.

Mr. M. B. Adelson, 3387 East Lakeshore Drive, appeared before the Joint Commission on behalf of nine property owners along this strip of Park Avenue and asked that the Commission include Mr. Ed Martin in this map change by initiating the remaining contiguous parcel belonging to him as part of this amendment. He also depicted two 2-story office buildings and the Sunshine State Credit Union, which faced Park Avenue and had no connection to the neighborhood behind them. He stated that the preference of these nine owners would be for Neighborhood Boundary with zoning of Neighborhood Boundary/Office, and Neighborhood Boundary was scheduled for adoption in a few weeks. Mr. Adelson stated that if Mixed Use A was unacceptable, he would like to offer a way to make it acceptable and if it was unacceptable, he would request that this application be tabled or continued until the Neighborhood Boundary designation was available and the property owners could amend their application to Neighborhood Boundary.

County Commissioner Rackleff questioned if the City had purchased any of the property and compensated any of the owners of the property along Park Avenue when it was widened. Assistant City Attorney Hurst replied in the affirmative.

Mr. Warren Merrell, 127 Willaura Circle, appeared before the Joint Commission and described previous requests for changes to this property that had been denied by the City Commission, and the Commissioners had assured the neighborhood residents that it would remain Residential Preservation and would continue to serve as the signature homes for entrance into Reece Park, Ferndale and

Belmont to the 300 homes in the subdivision. He described how in May 1996 the City Commission had redesigned Park Avenue to a four lane with a median along with other buffering changes to make it all conducive to the Residential area so that homes fronting on Park Avenue were more desirable. Mr. Merrell stressed the need for more single-family homes and urged the adoption of Neighborhood Boundary for these properties along Park Avenue.

Ms. Sylvia Merrell waived her time to Mr. Warren Merrill.

Mr. James H. Bailey, 1536 E. Park Avenue, appeared before the Joint Commission and discussed his support for this amendment. He opined that the market value of his home and others fronting E. Park Avenue had been reduced with no compensation, and stated that the people from whom property had been taken for the widening of Park Avenue had been compensated for the property.

City Commissioner Lightsey left the meeting at 7:14 p.m. due to illness.

Mr. Ian Elsner, a minor, appeared before the Joint Commission and objected to the proposed amendment as bringing about undesirable changes to his neighborhood.

Mr. James Elsner, 114 Ferndale Drive, appeared before the Joint Commission and discussed his objections to the proposed amendment. He stated that with the right decisions, their neighborhood could become a residential neighborhood showcase.

Mr. Jeffrey Saulich, 421 Margaret Court, representing the Ingleside Subdivision Neighborhood Association, appeared before the Joint Commission and discussed the Association's opposition to this proposed amendment. He stated his opposition to urban sprawl, and described the diversity of his neighborhood and the Neighborhood Association's concern with continuing their quality of life.

Ms. Carol Bullock, 120 Reece Park Lane, appeared before the Joint Commission in opposition to this proposed amendment and described her property. She described the City Commission's prior denial of changes proposed to the strip along East Park Avenue in an attempt to protect that neighborhood. Ms. Bullock stressed the increased traffic and noise, and the adverse impact they had already had on this residential neighborhood.

Ms. Linda R. Earnest, 525 Collins Drive, appeared before the Joint Commission in opposition to this proposed amendment, noting that the subject area was no heavier in commercial uses than at five points on Thomasville Road, where Mr. Roger Osborne, the owner of Mockingbird Development LLC, was attempting to buy the Miller House property because he wanted to build 13 townhouses at that location. She objected to allowing offices and commercial land uses on these residential properties along East Park Avenue.

Mr. John W. Porter, 123 Ferndale Drive, appeared before the Joint Commission in opposition to the proposed amendment and stated that he took exception to Mr. Bailey's comment that this amendment would not increase traffic through the neighborhood. He depicted the adverse impacts of heavy traffic already on East Park Avenue.

County Commissioner Rackleff **requested that the staff provide information to the Commissioners on previous requests made by these property owners along East Park Avenue.** Ms. Andersen acknowledged this was the third time this request had been submitted and she referenced page 5 of the agenda item analysis for a breakdown.

County Commissioner Rackleff inquired as to whether there was any analysis of projections of increase in the impermeable surfaces that would result from this amendment. Ms. Andersen stated that without a definite plan of development, such analysis would be a guess. Brief discussion focused on

this issue and Interim Director of Planning Wayne Tedder stated that regardless of zoning district, the City only allowed an impervious area up to a maximum of 60%, and Mayor Pro Tem Katz pointed out that the same situation could be created for the existing homes keeping the maximum impervious area to a standard of up to 60%.

Amendment 2004-1-M-009 (James F. Olmstead and Leslie Wilson propose change from Residential Preservation to Mixed Use A fronting the north side of Glenview Drive, between Thomasville Road and Fernando Drive):

Mr. Jim McMurtry, 1812 Fernando Drive, President of the Glenview/Pineview Neighborhood Association, appeared before the Joint Commission and, noting that the neighborhood association was made up of 170 households in the area, expressed support for the staff's recommendation to deny this amendment. He also submitted 15 letters of support from other homeowners in the neighborhood who also objected to this amendment (*placed on file in the Office of the City Treasurer-Clerk*).

Ms. Leslie Wilson, 624 Glenview Drive, appeared before the Joint Commission in support of this amendment and described the existing property and the need for the change to Mixed Use A. She stated this was an ideal place for an office.

County Commissioner Grippa requested updated traffic counts for Glenview Drive subsequent to the revised intersection at Thomasville and Meridian Roads, and Planner Dan Lucas advised there were no new traffic counts although he would follow up with Mr. Grippa on what was available and what would be involved in getting that traffic count.

Mayor Pro Tem Katz requested that the staff first advise the Commissioners as to 1) whether there were any updated applicable traffic count information, and 2) what would be involved to get that information.

County Commissioner Rackleff inquired as to why Ms. Wilson would be forced to move out of the house on this property. Ms. Laura Conrad, Esquire, 2810 Remington Green Circle, Attorney for Ms. Wilson, appeared before the Joint Commission pointed out the criteria for Residential Preservation (RP) included 1) existing land uses that were predominantly RP, which was no longer the case; 2) a proposed change in densities, which they were not proposing to change as OR-1 has the same density requirement; and 3) the stability of the residential area, which was currently at approximately 28% owner occupied or 8 out of 28 properties on Glenview Drive; and 4) the street was local and there was no reason not to approve her request to amend the application for this amendment to include also a change in designation for Glenview Drive from local to major or minor collector road, thereby making the Comprehensive Plan consistent and in line with this proposed amendment.

County Commissioner Rackleff clarified that the applicant had purchased the property with residential zoning and had converted the property to office space in violation of the zoning code, and he pointed out that a home office required that someone live in the building.

Ms. Conrad advised that the owner had been given inaccurate information on that particular issue. She stated that the owner was going through this process in an attempt to bring her property into compliance.

At the request of Mayor Pro Tem Katz, Assistant City Attorney Hurst advised that the City Code did allow home office occupation under certain conditions and the owner had to reside in the home. She stated that the City had cited the owner for a code violation.

Mayor Pro Tem Katz pointed out the Code Violation Amnesty Program had been extended.

Mr. James Olmstead, 702 Glenview Drive, appeared before the Joint Commission and urged approval of this amendment, citing the cut-through traffic of over 4,000 vehicles through Glenview Drive, which was a two-lane road with no sidewalks or shoulders. He also pointed out that Meridian Road was all OR-1.

Mr. Earl Lines, 3418 Deer Lane Drive, appeared before the Joint Commission in support of this amendment and stated that he had lived on Glenview Drive for 30 years and had never been approached to be a member of a neighborhood association. He expressed support for this amendment based on allowing the best uses of this property.

Ms. Linda Earnest, 525 Collins Drive, Vice President of Glenview-Pineview Neighborhood Association, appeared before the Commission in opposition to this amendment. She stated that this was a neighborhood association, not a homeowners association, and all residents were invited to join while all absentee owners were not contacted. She stated that it was clear this house was being used as an office by Wilson Resources Incorporated with no identifying sign on the outside and had previously run a business on Delta Boulevard without a business license, therefore, the City had been contacted and the owner had been cited by City Code Enforcement.

Mr. Jim Earnest, 525 Collins Drive, appeared before the Joint Commission in opposition to this amendment and discussed the potential negative impacts of the proposed rezoning of this property. He stated that was not adequate space for green buffers on both sides of the property and a six-foot high fence would be unattractive in the neighborhood.

County Commissioner Grippa requested that the staff provide the Commissioners with 1) a new traffic count for Glenview Drive to attempt to determine if this was residential or a minor collector since this change, 2) what types of businesses were in the area, 3) a comparison of the amount of traffic going in and out at this location to a family of two or three, and 4) any potential environmental impact based on what was on the property versus what was allowed by the current zoning.

County Commissioner Thaeli pointed out the approval of this change would be permanent so that there could be other land uses in the future.

County Commissioner Rackleff requested that the staff also assess the impact of the proposed widening of Tharpe Street between Meridian Road and North Monroe Street, which was intended to diminish the impact of the Five-Points intersection modifications and how that would potentially affect the traffic count.

Mayor Pro Tem Katz requested that the staff verify the information that had been presented, including 1) verification that 20 out of 28 parcels were not homestead exempt, 2) the letters received in support of the change were from residents who were representative of the parcels, and 3) make sure the two pictures were representative of the current situation.

County Commissioner Thaeli noted that a Joint City-County Commission Workshop on these proposed amendments had been scheduled for November 20th, and because he would be out of town at another meeting, he like to have an opportunity to participate telephonically in that workshop.

There being no further business coming before the Joint Commission, the meeting was adjourned at 8:03 p.m.

APPROVED: _____

Jane Sauls, Chairman

ATTEST:

Bob Inzer, Clerk of the Circuit Court